

By: McCall, Button

H.B. No. 1995

A BILL TO BE ENTITLED

AN ACT

relating to the liability of volunteer audiologists and speech-language pathologists who provide certain speech, language, and hearing evaluations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 91A to read as follows:

CHAPTER 91A. LIABILITY OF VOLUNTEER AUDIOLOGISTS AND  
SPEECH-LANGUAGE PATHOLOGISTS

Sec. 91A.001. DEFINITIONS. In this chapter:

(1) "Audiologist" means an individual licensed to practice audiology by the State Board of Examiners of Speech-Language Pathology and Audiology.

(2) "Speech-language pathologist" means an individual licensed to practice speech-language pathology by the State Board of Examiners for Speech-Language Pathology and Audiology.

Sec. 91A.002. IMMUNITY FROM LIABILITY. An audiologist or speech-language pathologist who, without compensation or expectation of compensation, conducts a speech, language, or hearing evaluation or screening is immune from civil liability for any act or omission resulting in the death or injury to the patient if:

(1) the audiologist or speech-language pathologist was acting in good faith and in the course and scope of the

1 audiologist's or speech-language pathologist's duties;

2 (2) the audiologist or speech-language pathologist  
3 commits the act or omission in the course of conducting the speech,  
4 language, or hearing examination or screening; and

5 (3) the services provided to the patient are within  
6 the scope of the license of the audiologist or speech-language  
7 pathologist.

8 Sec. 91A.003. APPLICABILITY. This chapter does not apply  
9 to an act or omission that is intentional, wilfully or wantonly  
10 negligent, or done with conscious indifference or reckless  
11 disregard for the safety of others.

12 SECTION 2. Chapter 91A, Civil Practice and Remedies Code,  
13 as added by this Act, applies only to a cause of action that accrues  
14 on or after the effective date of this Act. An action that accrued  
15 before the effective date of this Act is governed by the law  
16 applicable to the action immediately before the effective date of  
17 this Act, and that law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2009.